

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 16-1213V

Filed: January 18, 2017

UNPUBLISHED

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REBECCA ILNICKY, as mother and  
natural guardian of minor, S.I., and,  
ODIN ILNICKY, as father and  
natural guardian of minor S.I.,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;  
Mumps, Measles, and Rubella ("MMR")  
Vaccine; Idiopathic Thrombocytopenia  
Purpura ("ITP"); Table Injury; Special  
Processing Unit; ("SPU")

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*Jeffrey S. Pop, Attorney at Law, Beverly Hills, CA, for petitioner.*

*Kathryn A. Robinette, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT<sup>1</sup>**

**Dorsey**, Chief Special Master:

On September 27, 2016, Rebecca Ilnicky and Odin Ilnicky, parents of minor, S.I. (collectively, "petitioners"), filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the "Vaccine Act"). Petitioners allege that S.I. developed Idiopathic Thrombocytopenia Purpura ("ITP") as a result of an MMR vaccine administered on June 23, 2015. Petition at 1. The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On January 17, 2017, respondent filed her Rule 4(c) Report conceding that petitioners are entitled to compensation in this case. Rule 4(c) Rep. at 1. Specifically, respondent "believes that S.I.'s alleged injury is consistent with ITP as defined in the

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Vaccine Injury Table.” *Id.* at 4. “Petitioners are entitled to a presumption of causation, as S.I.’s ITP manifested between seven and thirty days following is MMR vaccination.” *Id.* Respondent “did not identify any other causes for S.I.’s ITP and, based upon the medical records [submitted], petitioners meet the statutory requirement to show that S.I. suffered the requisite six months of residuals from his ITP.” *Id.* Respondent concludes that “based on the record as it now stands, petitioners have satisfied all legal prerequisites for compensation under the Act.” *Id.*

**In view of respondent’s concession and the evidence of record, the undersigned finds that petitioners are entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master